



## 1 APPEARANCES:

2 BRYAN S. ANDERSON, KENNETH RUBIN, and JESSICA  
3 CANO, ESQUIRES, Florida Power & Light Company, 700  
4 Universe Boulevard, Juno Beach, Florida 33408, appearing  
5 on behalf of Florida Power & Light Company.

6 J. MICHAEL WALLS and BLAISE N. GAMBA,  
7 ESQUIRES, Carlton Fields Jordan Burt, P.A., Post Office  
8 Box 3239, Tampa, Florida 33601-3239, appearing on behalf  
9 of Duke Energy Florida, Inc.

10 J.R. KELLY, PUBLIC COUNSEL, and CHARLES  
11 REHWINKEL, JOSEPH McGLOTHLIN, and ERIK L. SAYLER,  
12 ESQUIRES, Office of Public Counsel, c/o The Florida  
13 Legislature, 111 West Madison Street, Room 812,  
14 Tallahassee, Florida 32393-1400, appearing on behalf of  
15 the Citizens of the State of Florida.

16 JON C. MOYLE, JR., and KAREN A. PUTNAL,  
17 ESQUIRES, c/o Moyle Law Firm, 118 North Gadsden Street,  
18 Tallahassee, Florida 32301, appearing on behalf of  
19 Florida Industrial Power Users Group.

20 JAMES W. BREW, ESQUIRE, c/o Brickfield,  
21 Burchette, Ritts & Stone, P.C., 1025 Thomas Jefferson  
22 Street, NW, Eighth Floor, West Tower, Washington, DC  
23 20007-5201, appearing on behalf of PCS Phosphate -  
24 White Springs.

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## 1 APPEARANCES (Continued):

2 ENNIS LEON JACOBS, JR., ESQUIRE, Williams &  
3 Jacobs, Suite 104, 2510 Miccosukee Road, Tallahassee,  
4 Florida 32308, and GEORGE CAVROS, ESQUIRE, 120 East  
5 Oakland Park Boulevard, Suite 105, Fort Lauderdale,  
6 Florida 33334, appearing on behalf of the Southern  
7 Alliance for Clean Energy.

8 ROBERT SCHEFFEL WRIGHT and JOHN T. LaVIA, III,  
9 ESQUIRES, Gardner Law Firm, 1300 Thomaswood Drive,  
10 Tallahassee, Florida 32308, appearing on behalf of the  
11 Florida Retail Federation.

12 KEINO YOUNG and CAROLINE KLANCKE, ESQUIRES,  
13 FPSC General Counsel's Office, 2540 Shumard Oak  
14 Boulevard, Tallahassee, Florida 32399-0850, appearing on  
15 behalf of the Florida Public Service Commission Staff.

16 MARY ANNE HELTON, DEPUTY GENERAL COUNSEL,  
17 Florida Public Service Commission, 2540 Shumard Oak  
18 Boulevard, Tallahassee, Florida 32399-0850, Advisor to  
19 the Florida Public Service Commission.

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## P R O C E E D I N G S

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2           **COMMISSIONER BROWN:** Good afternoon. Good  
3 afternoon. Today is July 9th, 2014. The time is 1:00.  
4 This will commence the Nuclear Cost Recovery Clause,  
5 Docket Number 140009-EI. I'd like to call this  
6 prehearing to order.

7           Keino, Mr. Young, please read the notice.

8           **MR. YOUNG:** By notice issued June 6th, 2014,  
9 this time and place was set for a Prehearing Conference  
10 in Docket Number 140009-EI, the Nuclear Cost Recovery  
11 Clause. The purpose of this Prehearing Conference is  
12 set out in the notice.

13           **COMMISSIONER BROWN:** Thank you.

14           I will take appearances starting with my left.

15           **MR. ANDERSON:** Good afternoon, Commissioner  
16 Brown. My name is Bryan Anderson. I'm appearing with  
17 Jessica Cano and also our colleague Ken Rubin on behalf  
18 of Florida Power & Light Company.

19           **COMMISSIONER BROWN:** Thank you.

20           **MS. GAMBA:** Good afternoon. Blaise Gamba with  
21 Carlton Fields Jordan Burt for Duke Energy Florida.

22           **MR. REHWINKEL:** Good afternoon. Charles  
23 Rehwinkel, Erik Sayler, Joe McGlothlin, and J. R. Kelly  
24 for the Office of Public Counsel. And Mr. McGlothlin  
25 had a family emergency and would be here otherwise.

1                   **COMMISSIONER BROWN:** Thank you.

2                   **MR. MOYLE:** Good afternoon. Jon Moyle with  
3 the Moyle Law Firm appearing on behalf of the Florida  
4 Industrial Power Users Group, FIPUG. And I'd also like  
5 to enter an appearance for Karen Putnal with our firm.

6                   **COMMISSIONER BROWN:** Okay.

7                   **MR. BREW:** Good afternoon, Commissioner. I'm  
8 James Brew with the firm of Brickfield, Burchette, Ritts  
9 & Stone for White Springs Agricultural Chemicals/PCS  
10 Phosphate.

11                   **MR. JACOBS:** Good afternoon, Commissioner. I  
12 am Ennis Leon Jacobs appearing on behalf of Southern  
13 Alliance for Clean Energy. And if I may, I'd like to  
14 enter an appearance for George Cavros as well.

15                   **COMMISSIONER BROWN:** Thank you.

16                   Staff.

17                   **MR. YOUNG:** Keino Young and Caroline Klancke  
18 on behalf of Commission staff.

19                   **MS. HELTON:** And Mary Anne Helton, advisor to  
20 the Commission.

21                   **COMMISSIONER BROWN:** Thank you very much.

22 Greetings all.

23                   Staff, let's move through this. Are there any  
24 preliminary matters that we need to address at this  
25 juncture?

1           And I will, I will wait for Mr. Wright, who I  
2 see appearing, and I'd like to take his appearance as  
3 soon as he settles down. Not to rush you.

4           **MR. WRIGHT:** Thank you, Commissioner. Robert  
5 Scheffel Wright and John T. Lavia appearing on behalf of  
6 the Florida Retail Federation.

7           **COMMISSIONER BROWN:** Thank you.

8           Mr. Young, are there any preliminary matters  
9 that we need to take up at this time?

10          **MR. YOUNG:** Yes, ma'am. Staff is aware of one  
11 preliminary matter for your consideration.

12          The parties have agreed upon the order of  
13 witnesses, which staff recommends that you approve. The  
14 order is that DEF's case will be presented in its  
15 entirety followed by FPL's case.

16          **COMMISSIONER BROWN:** Okay. That sounds  
17 reasonable. I'll agree to that.

18          Are there any other preliminary matters we  
19 need to address?

20          **MR. YOUNG:** Staff is not aware of any  
21 preliminary matters at this, other preliminary matters  
22 at this time.

23          **COMMISSIONER BROWN:** All right. Well, we're  
24 going to proceed through the Draft Prehearing Order. I  
25 like to do it somewhat swiftly. We only have 17 issues.

1 And if there are any corrections or changes to be made,  
2 please speak up. I'll look to you all.

3 Getting to the first section, I, case  
4 background, any changes?

5 Section II, conduct of proceedings. Changes?

6 Seeing none, Section III, jurisdiction.

7 Seeing none, Section IV, procedure for  
8 handling confidential information.

9 Seeing none, and Section V, prefiled testimony  
10 and exhibits, witnesses.

11 I would like to remind the parties that there  
12 will not be any duplicative, repetitious, or friendly  
13 cross-examination allowed during the hearing.

14 Section VI is the order of witnesses. Staff.

15 **MR. YOUNG:** Due to the number of witnesses in  
16 this docket, staff recommends that each witness be given  
17 three minutes to summarize his or her testimony.

18 **COMMISSIONER BROWN:** Very good. I think  
19 that's fair.

20 Are there any witnesses that can be stipulated  
21 by the parties?

22 **MR. YOUNG:** Presently there are no witnesses  
23 that can be stipulated. Staff would like to remind the  
24 parties that if they agree to stipulate a particular  
25 witness, please let staff know as soon as possible so we

1 can begin the process of confirming with each  
2 Commissioner whether they have questions for that  
3 particular witness.

4 **COMMISSIONER BROWN:** Okay. Thank you very  
5 much.

6 Going to Section VII, basic positions. If  
7 there are any edits or changes that a party would like  
8 to make regarding your basic position, please provide it  
9 to staff by no later than close of business on Friday,  
10 this Friday. Any changes?

11 Okay. Going to Section VIII, issues and  
12 positions. I will note we will be going issue by issue  
13 since there are only 17, and I notice that several of  
14 the parties have identified no position or taken no  
15 position at this time on some of these issues. As  
16 stated in the OEP, each party must take a position on  
17 each issue at the end of this prehearing; otherwise, it  
18 will -- you will be deemed to have taken no position.

19 That being said, we will walk through issue by  
20 issue starting with Issue 1. I will look to staff  
21 first. Staff, any changes?

22 **MR. YOUNG:** Yes, ma'am. On Issue 1, based  
23 upon review of the Prehearing Order, FIPUG has taken no  
24 position or -- excuse me -- FIPUG has taken no position  
25 at this time. Pursuant, as you stated, to the OEP, the



1 parties must take a position or their position becomes  
2 no position. Staff notes that FIPUG -- staff requests  
3 that FIPUG be given until Friday, July 11th, 2014, to  
4 provide staff with a position. If they fail to provide  
5 staff with a position, their position will become no  
6 position.

7 Also, staff notes that based upon review of  
8 the Prehearing Order, the only party that has taken a  
9 position at this time is the company, the utility, and  
10 this may be ripe for a possible stipulation.

11 **COMMISSIONER BROWN:** I agree, just to let you  
12 all know.

13 Issue 2.

14 **MR. REHWINKEL:** Madam Chairman.

15 **COMMISSIONER BROWN:** Yes.

16 **MR. REHWINKEL:** Where we take no position we  
17 do not contest the issue in this case. But when we talk  
18 about ripe for stipulation, we would not stand in front  
19 of any stipulation that the staff would present to  
20 you -- I don't know if we call them Type 2 or Type B or  
21 whatever they are -- but that's our goal in taking that  
22 position there is we are standing aside.

23 **COMMISSIONER BROWN:** Well, that's good. Thank  
24 you.

25 Okay. Go, ahead Mr. Young.

1           **MR. YOUNG:** Madam Chair, if we could go back  
2 to Issue 1 --

3           **COMMISSIONER BROWN:** Sure.

4           **MR. YOUNG:** -- in terms of clarifying for  
5 Mr. Moyle whether he -- what's his position.

6           **COMMISSIONER BROWN:** Mr. Moyle.

7           **MR. MOYLE:** No. I'm comfortable with --  
8 Mr. Young indicated that, you know, we have until  
9 Friday, I think. I'm not sure if he said noon or 5:00.

10          **COMMISSIONER BROWN:** Close of business.

11          **MR. MOYLE:** Close of business, so.

12          **COMMISSIONER BROWN:** Okay.

13          **MR. MOYLE:** 11 for -- no, I'm kidding.  
14 Thanks.

15          **COMMISSIONER BROWN:** Okay. All right. Moving  
16 to Issue 2.

17          **MR. YOUNG:** Issue 2, PCS Phosphate needs to  
18 take a position.

19          **COMMISSIONER BROWN:** Any changes?

20          **MR. BREW:** Madam Chairman, PCS will adopt the  
21 position of OPC.

22          **COMMISSIONER BROWN:** Okay. Noted.

23                   Any other changes?

24                   Okay. Moving to Issue 2A.

25          **MR. YOUNG:** Issue 2A, FIPUG needs to take a

1 position.

2 **COMMISSIONER BROWN:** Mr. Moyle. Same?

3 **MR. MOYLE:** We'll just -- same, same thing.

4 And I assume if we do not get in touch affirmatively  
5 with staff, then, you know --

6 **COMMISSIONER BROWN:** It'll be no position.

7 **MR. MOYLE:** -- it'll be no position. Right.

8 **COMMISSIONER BROWN:** And as Mr. Young  
9 indicated, that would be ripe for a stipulation.

10 **MR. MOYLE:** Right.

11 **MR. YOUNG:** Yes.

12 **MR. MOYLE:** With, with the caveat that  
13 Mr. Rehwinkel -- you know, we're not affirmatively  
14 stipulating, we're just not taking a position.

15 **COMMISSIONER BROWN:** Like a Type 2.

16 **MR. MOYLE:** Right.

17 **COMMISSIONER BROWN:** Issue 3, Mr. Young.

18 **MR. YOUNG:** Issue 3, PCS Phosphate needs to  
19 take a position.

20 **MR. BREW:** We'll get back to staff before the  
21 end of the week.

22 **COMMISSIONER BROWN:** Okay. Thank you.

23 Any other changes?

24 Okay. Issue 4. Is there another -- Issue 4.

25 **MR. YOUNG:** It seems that all the parties have

1 taken a position.

2 **COMMISSIONER BROWN:** Okay. Any changes?

3 Moving to Issue 5.

4 **MR. YOUNG:** FIPUG needs to take a position.

5 I'm sorry. I'm sorry.

6 **COMMISSIONER BROWN:** SACE. No. Any changes?

7 **MR. YOUNG:** All the parties have taken a  
8 position. Excuse me.

9 **COMMISSIONER BROWN:** Any changes? No.

10 Issue 6.

11 **MR. YOUNG:** Issue 6, FIPUG needs to take a  
12 position. I'm sorry.

13 **COMMISSIONER BROWN:** Same caveat, Mr. Moyle?

14 **MR. MOYLE:** Right.

15 **COMMISSIONER BROWN:** Okay.

16 **MR. MOYLE:** Thank you.

17 **COMMISSIONER BROWN:** Issue 7.

18 **MR. YOUNG:** And, Madam Chairman, just to, just  
19 to note that the only party that has taken a position,  
20 that's taken a position is the utility, and this may be  
21 ripe for a potential stipulation.

22 **COMMISSIONER BROWN:** I agree.

23 Issue 7.

24 **MR. YOUNG:** Again, FIPUG needs to take a  
25 position.

1           **MR. MOYLE:** Ditto.

2           **COMMISSIONER BROWN:** Okay. Same, same --

3           **MR. YOUNG:** Yes, ma'am.

4           **COMMISSIONER BROWN:** Issue 8.

5           **MR. YOUNG:** Issue 8, SACE -- FIPUG needs to  
6 take a position.

7           **COMMISSIONER BROWN:** Same?

8           **MR. MOYLE:** Same.

9           **COMMISSIONER BROWN:** Okay. And ripe for a  
10 stipulation.

11           **MR. YOUNG:** Possibly ripe for a potential  
12 stipulation.

13           **COMMISSIONER BROWN:** Okay. Issue 9.

14           **MR. YOUNG:** Issue 9, we have two changes --  
15 one, FIPUG -- SACE has taken a position that I think we  
16 need to be, to get more clarification on. And the  
17 second one is that OPC wants to add a clause to that  
18 position.

19           **COMMISSIONER BROWN:** Okay. Let's go to SACE  
20 first.

21           **MR. JACOBS:** Thank you, Madam Chairman. At  
22 this point we are leaning towards a position that will  
23 probably closely reflect Public Counsel, but I would  
24 like to reserve to get back to staff end of the, by the  
25 end of the day.

1           **COMMISSIONER BROWN:** Certainly. You have  
2 until Friday.

3           **MR. JACOBS:** Thanks.

4           **COMMISSIONER BROWN:** Okay. Mr. Rehwinkel.

5           **MR. REHWINKEL:** Yes. Thank you. And I have  
6 shared this with all the parties except Mr. Wright and  
7 with the staff.

8           What we would amend our position to say would  
9 be at the conclusion of the second sentence that ends  
10 with the RRSSA parenthetical --

11          **COMMISSIONER BROWN:** Uh-huh.

12          **MR. REHWINKEL:** -- is to add a clause that  
13 would be, comma, subject to the ultimate resolution of  
14 Issue 4.

15          **COMMISSIONER BROWN:** Okay. I have it. Does  
16 everybody else have it? Is everyone else clear?

17          **MR. REHWINKEL:** And I just, to be clear, I've  
18 read it into the record, I've shared it with the  
19 parties, but I will send a confirming email to the  
20 parties stating that by the end of the day.

21          **COMMISSIONER BROWN:** Great. Thank you. Any  
22 other changes?

23          Moving to Issue 10.

24          **MR. YOUNG:** All the parties have taken a  
25 position.

1           **COMMISSIONER BROWN:** Okay. Now we'll move to  
2 Issue 10A, and I know there's a dispute as to the  
3 wording. Staff.

4           **MR. YOUNG:** Yes, Madam Chair. There is  
5 dispute as to the wording of Issue 10A and 10B. Staff,  
6 staff notes that as to the wording in the FPL portion  
7 of the docket. Staff recommends that you hear from the  
8 parties before starting with FIPUG. It's FIPUG's issue.

9           **COMMISSIONER BROWN:** Mr. Moyle's issue. I  
10 will --

11           **MR. MOYLE:** It is.

12           **COMMISSIONER BROWN:** Okay. If you could  
13 succinctly address why these issues and the particular  
14 language should be included in the final order, please  
15 let me know now.

16           **MR. MOYLE:** I'll be happy to, and thanks for  
17 giving FIPUG the opportunity to bring this to your  
18 attention for consideration today.

19           I think it's helpful to start with the notion  
20 that we are here to have disputed issues of fact decided  
21 by this tribunal. I mean, we've gone through -- in  
22 issues where people don't have a position, it's  
23 stipulated. But those are factual issues largely. And  
24 if there's nobody disputing them, they become stipulated  
25 factual issues. But we're in a factual finding setting

1 that is governed by Chapter 120 of the Florida  
2 Administrative Procedures Act, and that statute sets  
3 forth the law with respect to determining disputed  
4 issues of fact.

5 FIPUG has, as its right, has raised two  
6 disputed issues of fact, and to save time, if you will,  
7 I'll just handle both of them in one argument.

8 **COMMISSIONER BROWN:** Please.

9 **MR. MOYLE:** One of them relates to when is the  
10 plant going to come online and serve customers, and the  
11 other is how much is, is it going to cost? And FIPUG  
12 has raised these issues in past proceedings and they  
13 have been accepted by this Commission and the parties.  
14 And I would argue they are very important issues  
15 because, you know, these, these proceedings get a lot of  
16 attention, there's a lot of money involved, and the two  
17 questions about when will the plant be available to  
18 serve the people who are paying for it now and how much  
19 is it ultimately going to cost, we would argue, are very  
20 important questions that this Commission should  
21 consider.

22 Historically the question has been "When is it  
23 going to come online and how much is it going to cost?"  
24 And that's been before you. The addition of, of the  
25 question as to "Are these estimates or projections



1 reasonable?" is the -- largely from FIPUG's  
2 perspective -- the issue that we have a dispute about  
3 now.

4           And FIPUG would argue that, that the  
5 reasonableness determination should be part of what is,  
6 is considered just because it doesn't make much sense if  
7 it's simply a, you know, a situation where you fill in a  
8 number. I mean, I've used a hypothetical to say what  
9 if, what if a company came in and said the nuclear  
10 project is going to cost a thousand dollars and is going  
11 to be available in six months? Well, almost on its face  
12 people would say, well, that can't happen. But if you  
13 don't have the ability to look at the facts with the  
14 lens of reasonableness, you know, arguably just setting  
15 forth a number and the date is all that has to be done.  
16 And we don't think that is a sound public policy  
17 position; we don't think it's supported by the law,  
18 given what, you know, 120 entails; and also given some,  
19 we would argue, guidance by the Florida Supreme Court.

20           And in our position statement we have cited  
21 the case of *International Minerals and Chemical*  
22 *Corporation vs. Mayo*, which we think is, is important  
23 because it looks and acknowledges that the Commission is  
24 in a fact-finding role. It talks about a rate case.  
25 This is a rate case. Your decisions will impact

1 rates -- not in the form of base rates but in the form  
2 of rates that are paid through the nuclear clause. So  
3 we think that authority is persuasive. And it does talk  
4 about to make express, explicit factual findings.

5 **COMMISSIONER BROWN:** Mr. Moyle, if I could get  
6 you to focus your argument more on inclusion of the, the  
7 reasonableness language.

8 **MR. MOYLE:** Okay. Well, well, as, as I was  
9 suggesting, it's -- it shouldn't -- it should be the  
10 role of this tribunal to, when it's reviewing the issue,  
11 do so with, with a touch point of reasonableness.  
12 Because otherwise, as I said, if they said, hey, it's  
13 going to cost, you know, \$500 billion and not be  
14 available until 2100, if you don't have a reasonableness  
15 component, then all you would be doing is saying, well,  
16 they filled in the blank. That's okay.

17 So, you know, I would argue and FIPUG would  
18 argue that reasonableness is part of the job of the  
19 Commission when determining facts, and it's highly  
20 appropriate to, to consider, you know, the  
21 reasonableness part of the, of the discussion. So --

22 **COMMISSIONER BROWN:** And you don't, and you  
23 don't believe that the reasonableness part can be argued  
24 and subsumed in the issues as laid out and has been  
25 previously laid out in the past three nuclear clause

1 proceedings?

2           **MR. MOYLE:** You know, I think this gets into  
3 the whole debate about, well, are these issues subsumed.  
4 And I think it's always helpful -- you've made the  
5 comment "There are only 17 issues in this case." I  
6 don't know if you were counting FIPUG's two issues or  
7 not in that, but there's not a ton of issues. You could  
8 have a rate case, a base rate case proceeding where you  
9 had one issue: Is the base rate case filing reasonable  
10 and should it be approved? But that's not how, how it's  
11 done. The issues are broken out into return on equity,  
12 a whole host of issues. And FIPUG is not coming in and  
13 saying, here, we want 25 issues. We're saying we think  
14 two issues are important: When is the plant going to be  
15 online, and how much is it going to cost, and are their  
16 projections reasonable?

17           So we think we're, we're moderate in our  
18 approach. And we think that the Supreme Court language  
19 is instructive with respect to -- you know, what the  
20 Court said in the case I cited is, and I'll quote, the  
21 requirements of explicit fact-findings make for more  
22 careful consideration by the Commission, helps assure  
23 that this Court does not usurp the PSC's fact-finding  
24 prerogatives, and otherwise facilitates review of the  
25 Commission orders, orders by this Court. The more

1 detailed the PSC's findings of fact are, the more  
2 readily these important purposes are served. I think  
3 that's instructive, I think it's important, and I think  
4 that would argue the language of the Supreme Court not  
5 to take an approach where it's all subsumed into a  
6 larger issue, which I guess would be, you know, is this  
7 feasible or not. There are key components to  
8 feasibility -- two of which are how much is it going to  
9 cost and when is it going to be online -- that we think  
10 warrants separate consideration, as has been done in  
11 years past, been issues, with this year the addition of  
12 are those projections reasonable?

13 **COMMISSIONER BROWN:** Thank you.

14 **MR. MOYLE:** So I hope -- I'm happy to answer  
15 any questions. I hope that that clearly communicated  
16 FIPUG's position on this issue.

17 **COMMISSIONER BROWN:** It did. Thank you.

18 **MR. MOYLE:** Thank you.

19 **COMMISSIONER BROWN:** FPL.

20 **MS. CANO:** Good afternoon. Thank you.

21 As a general matter, it's FPL's position that  
22 these issues should be stricken in their entirety  
23 because they're not grounded in the Nuclear Cost  
24 Recovery statute or rule. But that being said, FPL  
25 would not object to including them in the same manner

1 they've been included in prior years, which would simply  
2 entail striking "and is that cost reasonable and are  
3 those commercial operation dates reasonable?" And FPL  
4 has offered that up to FIPUG prior to today.

5 We, of course, recognize that under Section  
6 120 of the *Florida Statutes* and the Supreme Court case  
7 cited by FIPUG that this Commission has a fact-finding  
8 role to play. But the concern here is that Section  
9 366.93 is, is, is governing, and I can cite to a Florida  
10 Supreme Court case that directs us to follow the more  
11 specific statute over a general statute when two  
12 statutes apply.

13 The specific question with respect to the  
14 reasonableness parts of the issues asks whether the  
15 total cost estimate is reasonable and in-service dates  
16 are reasonable. Now that reasonableness of the total  
17 cost estimate is a finding specifically laid out in  
18 Section 366.93 once we petition to enter the  
19 preconstruction phase of the project. We're just not  
20 there yet.

21 The statute also specifically asks the  
22 Commission to make such a finding when the Commission  
23 petitions to begin construction. Again, we're not there  
24 yet. And so by framing the issues in this manner, FIPUG  
25 is really trying to pull forward a statutory finding

1 that isn't ripe for determination yet. And it's for  
2 that reason that we are -- that we would object to those  
3 reasonableness portions of FIPUG's proposed issues.

4 **COMMISSIONER BROWN:** Thank you.

5 I'm going to turn to staff for their  
6 recommendation.

7 **MR. YOUNG:** Madam Chairman, staff recommends  
8 that you strike the "and is that reasonable" portion of  
9 both issues. The reason being is this: As Mr. Moyle  
10 pointed out, detailed findings of fact in the  
11 feasibility analysis is how much it's going to cost and  
12 the timeline for the cost. Both of those issues or both  
13 of those findings are detailed in the feasibility  
14 analysis, which is Issue Number 10. So, thus, based on  
15 that and based on staff historically doing a detailed  
16 analysis of the feasibility of these projects, staff  
17 recommends that the "and is that reasonable" portion of  
18 both issues are not needed.

19 **COMMISSIONER BROWN:** And thank you, Mr. Young.  
20 That's where I'm leaning as well.

21 So I will allow Issue 10A and 10B to be  
22 included with the deletion of "and is that estimated  
23 cost reasonable" for 10A, have that stricken, and 10B  
24 "is that estimated commercial operation date  
25 reasonable," so as to be consistent with what the

1 Commission has previously done.

2 Okay. Let's move on to --

3 **MR. REHWINKEL:** Madam Chairman, you've run a  
4 very swift and efficient process so far, and I hope not  
5 to bollix it up too much. I just would ask your  
6 indulgence to back up to -- I didn't review my notes and  
7 there's two very small changes that I would like to  
8 make.

9 **COMMISSIONER BROWN:** Oh, this is a good time.  
10 Go ahead.

11 **MR. REHWINKEL:** Okay. On page 12 -- and I've  
12 touched base with the company and staff about this -- on  
13 page 12 in our basic position, in the first full  
14 paragraph that begins with "Specifically," on the third  
15 line there, the five needs to be changed to a four. So  
16 it should say "TGF-4."

17 **COMMISSIONER BROWN:** Okay.

18 **MR. REHWINKEL:** And the corresponding  
19 adjustment to that is on page 23 in our -- in the  
20 position on the second line, and then about  
21 three-fourths of the way down there, those two fives  
22 need to be changed to a four.

23 **COMMISSIONER BROWN:** Uh-huh. Okay.

24 **MR. REHWINKEL:** And I will put that in the  
25 email as well.

1           **COMMISSIONER BROWN:** I was just going to ask  
2 that. Thank you.

3           **MR. REHWINKEL:** Thank you.

4           **COMMISSIONER BROWN:** Okay. Let's go to Issue  
5 11 now. Mr. Young.

6           **MR. YOUNG:** Issue 11, FIPUG and FRF needs to  
7 take a position.

8           **COMMISSIONER BROWN:** Mr. Moyle, same?

9           **MR. MOYLE:** We will take a position by 5:00 on  
10 Friday. And on the other, other issue that we just  
11 argued --

12           **COMMISSIONER BROWN:** Uh-huh.

13           **MR. MOYLE:** -- thanks for giving us the  
14 opportunity to argue that and, and make our, our points  
15 and presentations. So thank you.

16           **COMMISSIONER BROWN:** Thank you.

17           Mr. Wright. Mr. Wright.

18           **MR. WRIGHT:** Thank you, Commissioner. We will  
19 get our positions to, to the staff before the deadline  
20 you set, most likely quite a bit sooner than that.  
21 Thank you.

22           **COMMISSIONER BROWN:** Thank you.

23           Mr. Young, were you trying to speak?

24           **MR. YOUNG:** Yes, ma'am. Based on the review  
25 of the Prehearing Order the utility thus far is the only



1 party that's taken a position that would be ripe for a  
2 potential stipulation.

3 Also, can we back up, Madam Chair?

4 **COMMISSIONER BROWN:** Yes.

5 **MR. YOUNG:** For Issues 10A and 10B --

6 **COMMISSIONER BROWN:** Sure.

7 **MR. YOUNG:** -- FRF needs to take a position.

8 **COMMISSIONER BROWN:** Mr. Wright.

9 **MR. WRIGHT:** The same.

10 **COMMISSIONER BROWN:** By Friday.

11 **MR. WRIGHT:** We'll get with staff by Friday.

12 **COMMISSIONER BROWN:** Friday.

13 **MR. WRIGHT:** Most likely sooner. Thank you.

14 **COMMISSIONER BROWN:** Okay. That's acceptable.

15 Yes.

16 **MR. YOUNG:** I'm sorry. And based on your  
17 ruling for 10A and 10B, one note for the record, if  
18 Mr. Moyle is going to change his position or is he going  
19 to no position?

20 **COMMISSIONER BROWN:** Mr. Moyle?

21 **MR. YOUNG:** And FPL.

22 **MR. MOYLE:** I think we use this as an  
23 opportunity to set forth in writing legal arguments. So  
24 I think I will, to save space and paper, just be  
25 revising it to, to the first part of the position which

1 sets forth sort of the substantive position on the  
2 issue, not the legal argument that we just entertained.

3 **COMMISSIONER BROWN:** Okay. And you have until  
4 Friday, as you know, close of business.

5 Yes, OPC.

6 **MR. REHWINKEL:** Just for the record to  
7 confirm, since the issue has changed since we filed our  
8 prehearing statement, we stick with no position just for  
9 the record.

10 **COMMISSIONER BROWN:** Okay. Thank you.

11 Any other changes, still on 10A and 10B?

12 **MS. CANO:** FPL will be submitting a revised  
13 position consistent with the time frame provided by  
14 staff.

15 **COMMISSIONER BROWN:** Certainly. Okay. We  
16 have moved on from 10A, 10B, and Issue 11, so we are now  
17 on Issue 12.

18 Mr. Young.

19 **MR. YOUNG:** FRF and FIPUG needs to take a  
20 position.

21 **COMMISSIONER BROWN:** Okay. Same?

22 **MR. WRIGHT:** Commissioner, same deal. But I  
23 will say that on Issues 11 through 17 we will not stand  
24 in the way of a Type 2 stipulation.

25 **COMMISSIONER BROWN:** Thank you.

1           **MR. WRIGHT:** Thank you.

2           **COMMISSIONER BROWN:** Okay. Mr. Moyle.

3           **MR. MOYLE:** Same, same as these other issues.

4           **COMMISSIONER BROWN:** Okay. Thank you.

5           **MR. MOYLE:** And if it helps, Madam Chairman,  
6 on the 10A and 10B, only the first paragraph of FIPUG's  
7 position is responsive to the substance of the issues,  
8 so all of the other stuff related to the legal argument  
9 can be --

10           **COMMISSIONER BROWN:** Oh, we've already moved  
11 on from 10A. You can do that in writing by Friday.

12           **MR. MOYLE:** Okay.

13           **COMMISSIONER BROWN:** Okay. Issue 13.

14           **MR. YOUNG:** Similarly, FRF and FIPUG needs to  
15 take a position, and I think FIPUG stated that -- I  
16 mean, FRF stated --

17           **COMMISSIONER BROWN:** And we're -- we've  
18 already -- yeah. So we're going to go to Issue 14.

19           **MR. YOUNG:** Issue 14, FIPUG and FRF need to  
20 state a position.

21           **COMMISSIONER BROWN:** Uh-huh. I think it's the  
22 same thing. Am I correct? Yeah. Nodding correct.

23           Issue 15.

24           **MR. YOUNG:** Issue 15, all the parties have  
25 taken a position except FRF.

1           **COMMISSIONER BROWN:** Yes, FPL.

2           **MR. ANDERSON:** Yeah. We'd like to be heard on  
3 Issue 15 --

4           **MR. YOUNG:** And FIPUG.

5           **MR. ANDERSON:** -- at your convenience, Madam  
6 Chair.

7           **COMMISSIONER BROWN:** Yes, now is appropriate.

8           **MR. ANDERSON:** Thank you very much.

9           Issue 15 is the usual prudence issue for the  
10 Extended Power Uprate project that focuses on 2013  
11 project management, contracting, accounting, cost  
12 controls, et cetera. We're concerned with some language  
13 that SACE has in its position statement here, which was  
14 just submitted on the 2nd or 3rd.

15           Please look with me at the first two  
16 sentences, which we have no problem with. SACE says it  
17 is SACE's understanding this relates to the 2013 -- it  
18 basically states the correct scope.

19           In the second sentence they say, "Based on  
20 this understanding, SACE takes no position on this  
21 issue." Now we have no problem with that; that's  
22 exactly right. However, it goes on for another couple  
23 of extended paragraphs with all kinds of language about  
24 some Nuclear Regulatory Commission litigation that SACE  
25 is pursuing. And however you'd like to pursue it, we

1 view those as strictly NRC jurisdictional and really no  
2 part of this proceeding, and we ask that those portions  
3 of the statement be dropped and that there be a  
4 limitation on an examination at hearing. And we're  
5 happy to talk about that more now, but I think I've made  
6 our position very clear. And specifically SACE's own  
7 language states they have an NRC complaint pending on  
8 exactly these types of allegations. It was also raised  
9 in their attempt to stop the restart of Lucie Unit 2,  
10 which was denied by the Nuclear Regulatory Commission on  
11 April 1.

12 **COMMISSIONER BROWN:** Mr. Young, before I get  
13 to you, I'm going to go to SACE. Are you finished,  
14 Mr. Anderson?

15 **MR. ANDERSON:** I want to be listening to how  
16 you want to proceed, because we're happy to take this up  
17 at this time or we could file a written motion. But we  
18 think it's very clearly outside of the Commission's  
19 jurisdiction. We're hoping we could just be done today.

20 **COMMISSIONER BROWN:** Mr. Young, unless you  
21 disagree, I think it's ripe for discussion at this time.

22 **MR. YOUNG:** That's fine with me.

23 **COMMISSIONER BROWN:** Okay. SACE, Mr. Jacobs.

24 **MR. JACOBS:** Thank you, Madam Chairman.

25 We would first focus on the wording of the

1 language, which is, is an effort to find whether or not  
2 the project management, contracting, accounting, and  
3 cost oversight control is reasonable and prudent. We  
4 believe the language that, that's been cited goes to a  
5 basic and full understanding of the overall management  
6 and project controls, so therefore we believe it has  
7 relevance.

8 We can, we can have a conversation about  
9 whether or not it needs to be put into our position at  
10 this time, or we can cover it in, in the course, in due  
11 course of the proceeding. But we do believe that it has  
12 relevance to the overall management and controls of the  
13 company.

14 **COMMISSIONER BROWN:** But, but it does state  
15 that SACE takes no position on the issue, and then all  
16 of that verbiage doesn't even apply to the issue before  
17 us.

18 **MR. JACOBS:** Yes.

19 **COMMISSIONER BROWN:** So, I mean, SACE is  
20 taking no position on the issue.

21 **MR. JACOBS:** Ultimately we are taking a  
22 position on the issue, and that --

23 **COMMISSIONER BROWN:** It looks like dicta that  
24 may be more appropriate for a brief or some other --

25 **MR. JACOBS:** What I'd, what I'd like to do,

1 Madam Chair, is I'd like to have a chance to confer with  
2 co-counsel and then maybe, maybe have a follow-up  
3 conversation with the company and see how, if we can  
4 come up with a -- because ultimately what I -- where  
5 we're headed is we want to take a position on this  
6 issue. And I think the idea that, of totally backing  
7 away with no position is probably not, not the correct  
8 answer today. So what I'd like to do is confer with  
9 co-counsel and see if we can come up with some wording  
10 that would fit.

11 I understand the objection of the company.  
12 And, clearly, that, that, that -- we can have a  
13 conversation about whether or not we want to continue --

14 **COMMISSIONER BROWN:** Is co-counsel present?  
15 Is your co-counsel --

16 **MR. JACOBS:** Not, not at this point.

17 **COMMISSIONER BROWN:** Okay. Mr. Young.

18 **MR. YOUNG:** That's fine. I think you've given  
19 the parties until the close of business on Friday to, to  
20 take a position or to modify their position. And if  
21 SACE doesn't, then we will deal with it at the beginning  
22 of the hearing as a preliminary matter possibly,  
23 potentially.

24 **MR. JACOBS:** That sounds fair.

25 **COMMISSIONER BROWN:** Okay, Mr. Jacobs.

1           **MR. REHWINKEL:** Commissioner, may I be heard?

2           **COMMISSIONER BROWN:** Sure.

3           **MR. REHWINKEL:** We don't, obviously we don't  
4 take a position on this issue. I just -- and I  
5 understand where FPL is coming from because of the no  
6 position language that's embedded in the order. It, it  
7 seems to me that the appropriate thing to do is, is  
8 perhaps a motion in limine if, if their concern is about  
9 the scope of cross-examination at the hearing.

10           We would be, as a general proposition outside  
11 of this case, concerned about parties, you know,  
12 objecting to the wording of parties' positions. Because  
13 when you go back to the issue identification process, a  
14 lot of times a lot of the weeks of background work is  
15 trying to smooth out the issues and say you can deal  
16 with your -- you can take a position under that issue.

17           **COMMISSIONER BROWN:** I understand that.

18           **MR. REHWINKEL:** So, so we just would be  
19 concerned about a process that would get into striking  
20 parties' issues.

21           **COMMISSIONER BROWN:** We're not in that, we're  
22 not in that juncture right now, Mr. Rehwinkel.

23           **MR. REHWINKEL:** I understand.

24           **COMMISSIONER BROWN:** We're just listening to  
25 the parties.



1           **MR. REHWINKEL:** I understand. I just wanted  
2 to voice a concern about the process there.

3           **COMMISSIONER BROWN:** Okay. Thank you.

4           **MR. REHWINKEL:** We -- I fully understand that  
5 if they've taken, if they've taken no position,  
6 ultimately in there it does foreclose some rights during  
7 the hearing, and we understand that.

8           **COMMISSIONER BROWN:** Thank you. And we do  
9 here as well.

10          **MR. JACOBS:** In essence, that's very much  
11 consistent with my point.

12          **COMMISSIONER BROWN:** Okay. Mr. Jacobs, so you  
13 have till the close of business on Friday to, to make  
14 changes and submit them to staff.

15          **MR. JACOBS:** Thank you very much for that.

16          **COMMISSIONER BROWN:** Okay. Mr. Anderson.

17          **MR. ANDERSON:** We, we understand that position  
18 and ruling. We'd observe that a lot of this language  
19 goes to allegations about NRC licensing kind of prior to  
20 2007. So our thought would be we'll see whatever they  
21 file on Friday. If it contains any of this though, I  
22 think we would be inclined to follow OPC's suggestion  
23 and actually file a motion.

24          **COMMISSIONER BROWN:** Uh-huh. A motion in  
25 limine.

1           **MR. ANDERSON:** And we'd ask for a ruling for  
2 that in advance of hearing because we really don't see,  
3 you know, obviously or plan to litigate NRC issues  
4 dating back to the early 2000s.

5           **COMMISSIONER BROWN:** Okay. And, Mr. Young, I  
6 think that we would -- that would be appropriate if you  
7 agree procedurally.

8           **MR. YOUNG:** Yes, ma'am. I think you are, you  
9 are -- and I'll look to Ms. Helton -- but I think up  
10 until the start of the prehearing, our prehearing -- I  
11 mean, up until the start of the hearing you are the  
12 presiding officer.

13           **MS. HELTON:** And I think a motion in limine  
14 would be appropriate under the circumstance. And I do  
15 share Mr. Rehwinkel's concern about other parties  
16 dictating positions for other parties.

17           **COMMISSIONER BROWN:** Okay. We're going to  
18 move on.

19           All right. Issue 16.

20           **MR. YOUNG:** Issue 16, I would note that FRF  
21 and FIPUG needs to take a position.

22           **COMMISSIONER BROWN:** Same?

23           **MR. MOYLE:** Same.

24           **COMMISSIONER BROWN:** Okay. Issue 17.

25           **MR. YOUNG:** Issue 17, I would note that FRF,

1 FIPUG, and SACE needs to take a position. The wording,  
2 I think we can, in terms of that position, we can have a  
3 discussion on.

4 **COMMISSIONER BROWN:** Okay. SACE?

5 **MR. JACOBS:** We could -- we'll take the  
6 position of giving you a statement by, by Friday, Madam  
7 Chairman.

8 **COMMISSIONER BROWN:** Okay. Other parties?

9 **MR. MOYLE:** Same with FIPUG.

10 **COMMISSIONER BROWN:** Same? Same.

11 **MR. WRIGHT:** I'd say the same as I said for  
12 11 through 17, Commissioner.

13 **COMMISSIONER BROWN:** Okay. Thank you.

14 **MR. WRIGHT:** Thank you.

15 **COMMISSIONER BROWN:** Okay. We are done with  
16 the issues right now.

17 We're going to move on to Section IX, the  
18 exhibit list. Are there, Mr. Young, are there any  
19 changes or corrections that you are aware of to the  
20 exhibit list as it appears in the Draft Prehearing  
21 Order?

22 If there are, I would like the parties to know  
23 to make sure that those changes are submitted to staff  
24 prior to close of business on Friday so that they are  
25 incorporated into the final Prehearing Order.

1 Section X is proposed stipulations.

2 **MR. YOUNG:** There are no proposed stipulations  
3 at this time, but staff did note for the record that we  
4 believe several issues may be ripe for potential  
5 stipulation.

6 **COMMISSIONER BROWN:** Agreed.

7 All right. Section XI, pending motions. Are  
8 there any pending motions not related to confidentiality  
9 yet?

10 **MR. YOUNG:** To the best of my knowledge, there  
11 are no pending motion. But, as FPL indicated, there  
12 might be a pending motion that may be coming forth.

13 **COMMISSIONER BROWN:** Okay. Great.

14 And Section XII, pending confidentiality  
15 motions. And I will note that there are several -- a  
16 few confidentiality requests that will be addressed by  
17 separate written order probably by close of business on  
18 Friday as well, but definitely prior to the commencement  
19 of the hearing.

20 All right. Section XIII, post-hearing  
21 procedures. Staff.

22 **MR. YOUNG:** Staff would suggest that  
23 post-hearing briefs be limited to 25 pages.

24 **COMMISSIONER BROWN:** And I am amenable to that  
25 that. And there's no word limit to the summary of the

1 positions, but those briefs are limited to 25 pages and  
2 you can use your pages accordingly.

3 All right. Section -- any questions? Section  
4 XIV.

5 **MS. CANO:** I'm sorry. I do have a question on  
6 Section XIII. Did you say there were no word limits on  
7 the position statements?

8 **COMMISSIONER BROWN:** No -- yes -- that's  
9 correct, no word limit.

10 **MS. CANO:** Okay. Thank you.

11 **COMMISSIONER BROWN:** You're welcome.

12 Section XIV, I believe, rulings.

13 **MR. YOUNG:** Staff would suggest that, that you  
14 make a ruling that the opening statements, if any,  
15 should not exceed --

16 **COMMISSIONER BROWN:** It was five minutes.

17 **MR. YOUNG:** -- five minutes, five minutes per  
18 party.

19 **COMMISSIONER BROWN:** Okay. Mr. Anderson.

20 **MR. ANDERSON:** We'd suggest considering what  
21 we did last year, which was basically Duke and FPL had  
22 ten minutes.

23 **COMMISSIONER BROWN:** I considered that, too.

24 **MR. ANDERSON:** Yeah. And then the other folks  
25 had 20 minutes to share amongst themselves.

1           **COMMISSIONER BROWN:** Now, and the reason why I  
2 was more amenable to the five minutes for each party was  
3 because that there is no Intervenor testimony, and I  
4 figured five minutes would be an opportunity for them  
5 to -- to give them latitude during that opening  
6 statement.

7           **MR. ANDERSON:** The only consideration there is  
8 that, just from a rebuttal perspective, is typically one  
9 of our fine counsel may say something that needs to be  
10 responded to. With just five minutes on the utility  
11 side, that's very thin skating.

12           **COMMISSIONER BROWN:** Uh-huh.

13           **MR. REHWINKEL:** I have no problem with  
14 everybody getting five and the company getting ten.  
15 That doesn't bother me based on kind of the posture of  
16 this case.

17           **MR. ANDERSON:** And we'll use as little as we  
18 can.

19           **COMMISSIONER BROWN:** Okay. You know we love  
20 that.

21           **MR. ANDERSON:** I know that.

22           **COMMISSIONER BROWN:** Do any of the Intervenors  
23 have a problem with that?

24           **MR. WRIGHT:** I agree with Mr. Rehwinkel. I  
25 think it's fair for the companies to have ten minutes.

1           **COMMISSIONER BROWN:** Okay.

2           **MR. WRIGHT:** We get five, five per party.

3 Thank you.

4           **COMMISSIONER BROWN:** Okay.

5           **MR. MOYLE:** FIPUG is fine on that. FIPUG does  
6 not like to say, oh, you split it up, because sometimes  
7 people get verbose.

8           **COMMISSIONER BROWN:** I was, I was told that,  
9 yes. I was told that.

10          **MR. MOYLE:** Probably me.

11          **COMMISSIONER BROWN:** You may be the guilty  
12 one. So I'm going to allow ten minutes to, to FPL, ten  
13 minutes to Duke, five minutes to each Intervenor for  
14 opening statements. Thank you all for working with us  
15 on that. Okay.

16          **MR. MOYLE:** Can I, can I just have one  
17 question, and I don't think this will be an issue in  
18 this case? But on the page limits --

19          **COMMISSIONER BROWN:** No page -- the 25-page  
20 limit?

21          **MR. MOYLE:** Yeah. Yeah. That would be per  
22 party. So if there was a whole bunch of issues that  
23 FIPUG had with Duke, we would have 25 pages and 25 with  
24 FPL, right, not a combined 25?

25          **COMMISSIONER BROWN:** I mean, that, that's,

1 that's what I envisioned.

2 **MR. YOUNG:** That's fine with staff. Yeah.

3 **MR. MOYLE:** Okay. Again, that was more for  
4 future reference. I don't expect it, but I just wanted  
5 to make sure I understood that.

6 **COMMISSIONER BROWN:** Okay. Section VI [sic],  
7 other matters. Are there any other matters here to be  
8 addressed at the Prehearing Conference, Mr. Young?

9 **MR. YOUNG:** None, none that staff is aware of.  
10 But staff would request that to the extent the parties'  
11 positions change or add -- are added due to discussion  
12 at this Prehearing Conference, they should provide any  
13 such, any such changes to staff by the close of business  
14 on Friday, July 11th, 2014. This is necessary so that  
15 the Prehearing Order can be completed before the  
16 hearing.

17 **COMMISSIONER BROWN:** Okay. Thank you. I  
18 think we've reminded the parties enough, everyone knows  
19 -- you lose your -- if you snooze, you lose by Friday.

20 Just a few reminders prior to the hearing.  
21 I've asked staff to distribute an example of a cover  
22 sheet that can be used as an exhibit, for the exhibits  
23 at the hearing. If everyone could try to use a format  
24 like that -- thank you very much -- it would be helpful  
25 in the process of marking the exhibits more quickly.



1 The Chairman will ask you, as you know, for a short  
2 title. So my suggestion is to put that on the cover  
3 page so that he doesn't have to come up with a title.

4 Also, please make sure that the number of  
5 copies of your exhibits for use at the hearing, at least  
6 enough for the witnesses, the court reporter, five  
7 Commissioners, Commission staff, and at least one for  
8 each party that will be present. 25 is usually a good  
9 number. We will have a staff person here to help you  
10 distribute them.

11 Also, please prepare a sufficient number of  
12 the confidential copies in red folders for distribution  
13 at the hearing so that -- ensuring that the confidential  
14 information is clearly highlighted.

15 Yes, Mr. Rehwinkel.

16 **MR. REHWINKEL:** I was just going to ask  
17 something when you're done.

18 **COMMISSIONER BROWN:** Almost done.

19 Availability of witnesses -- I know that all  
20 of you have witnesses traveling and some of them have  
21 very busy schedules. If you could please do your best  
22 to make them available as they appear in the hearing  
23 order, that would be great. Of course, if there is an  
24 unavoidable conflict, please let staff and the other  
25 parties know as soon as possible so that we can work

1 something out at the day of the appearance.

2 Finally, confidentiality, as you all are very  
3 well familiar with the requirements for dealing with  
4 confidential data, if you plan to cross-examine the  
5 witnesses and if you have any questions about that or  
6 any procedural issues whatsoever, please feel free to  
7 call staff. They are very helpful.

8 And now is your turn.

9 **MR. REHWINKEL:** Yes. Just for edification of  
10 the Commission and the parties, the Public Counsel can  
11 state that we do intend to cross-examine Mr. Foster and  
12 Mr. Fallon for certain. Mr. Delowery is a discussion  
13 that could occur. We have deposed both Mr. Fallon and  
14 Mr. Delowery. So I, I just put that out there. I have  
15 not talked to co-counsel or counsel for the company or  
16 staff about that. But just for expectations, we would  
17 not stipulate to those two, but there's a possibility on  
18 the one.

19 **COMMISSIONER BROWN:** Okay. Okay. That's  
20 helpful. Thank you.

21 Any other helpful information?

22 **MR. YOUNG:** Madam Chair.

23 **COMMISSIONER BROWN:** Sure, Mr. Young.

24 **MR. YOUNG:** I'll go after Mr. Brew.

25 **MR. BREW:** Oh, I was just going to second what

1 Mr. Rehwinkel said. We would expect not to have  
2 questions for Mr. Delowery, but probably for Mr. Foster  
3 and Mr. Fallon.

4 **COMMISSIONER BROWN:** Thank you. Very helpful.  
5 Anyone else?

6 **MR. JACOBS:** I think we'll stick with that  
7 trend.

8 **COMMISSIONER BROWN:** Okay good. Mr. Wright?  
9 No? Okay.

10 And Mr. Young.

11 **MR. YOUNG:** Two things: One, I didn't see Mr.  
12 -- I didn't see FIPUG say anything about those two  
13 witnesses but --

14 **COMMISSIONER BROWN:** He's going to defer till  
15 Friday.

16 **MR. MOYLE:** I was, I was, I was thinking my  
17 trial strategy probably is best remaining in my head at  
18 this point at least.

19 (Laughter.)

20 **MR. YOUNG:** Another thing, just to clarify the  
21 record, as it relates to page limits on post-hearing  
22 briefs, that means that a party that's intervened in  
23 both, intervened in both parts of the docket, FPL and  
24 Duke, will file -- they can file 25 pages for FPL, 25  
25 pages for Duke.

1                   **COMMISSIONER BROWN:** Okay. Thank you for  
2 being, for making that more clear, but I thought that  
3 was clear with the parties.

4                   Are there any other additional matters that we  
5 need to address? Anybody?

6                   Okay. This Prehearing Conference is  
7 adjourned. Thank you all for your participation.  
8 Appreciate it.

9                   (Prehearing Conference adjourned at 1:42 p.m.)

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1 STATE OF FLORIDA )  
2 COUNTY OF LEON ) : CERTIFICATE OF REPORTER

3  
4 I, LINDA BOLES, CRR, RPR, Official Commission  
5 Reporter, do hereby certify that the foregoing  
6 proceeding was heard at the time and place herein  
7 stated.

8 IT IS FURTHER CERTIFIED that I stenographically  
9 reported the said proceedings; that the same has been  
10 transcribed under my direct supervision; and that this  
11 transcript constitutes a true transcription of my notes  
12 of said proceedings.

13 I FURTHER CERTIFY that I am not a relative, employee,  
14 attorney or counsel of any of the parties, nor am I a  
15 relative or employee of any of the parties' attorney or  
16 counsel connected with the action, nor am I financially  
17 interested in the action.

18 DATED THIS 15th day of July, 2014.

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